

Detroit Edison

LIBER 9686 PAGE 516

Right of Way Agreement

86197395

1-10
24

February 4, 1986

#

For valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the States of Michigan and New York, of 2000 Second Avenue, Detroit, Michigan 48226 and the MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan 48226 hereinafter referred to as "UTILITIES", the easement and right to erect, lay, maintain, reconstruct and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and accessories which may from time to time be required in, under, upon, over and across the land located in the City of Southfield, Oakland County, Michigan, and more particularly described on the attached Appendix "A", with the full right to the UTILITIES of ingress and egress upon said land for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the easements herein described.

Said easements shall be ten (10) feet in width unless otherwise indicated and their route is described as follows:

The exact location of said easements shall be shown on a drawing to be recorded 90 days after construction.

In order to provide for the proper maintenance and protection of UTILITIES, the undersigned covenant and agree that:

1. The easements will be graded to within four (4) inches of final grade before the UTILITIES lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around above ground UTILITIES' equipment.

2. No buildings or structures other than UTILITIES equipment are to be placed within the easements herein granted. No excavation is to be permitted within said easement without approval of UTILITIES.

3. If the lines or facilities of UTILITIES are damaged by the acts of Owners, their agents, employes or contractors, repairs shall be made by the Utility company so damaged at the cost and expense of Owners. Owners are defined as those persons owning the land at the time the damage occurred.

4. No shrubs or foliage shall be planted or grown within five (5) feet of the front door of transformers or switching cabinet enclosures. UTILITIES shall not be responsible to Owners for damages to or removal of trees or plant life planted in front of said door or within the easement causing an interference with UTILITIES maintenance of their equipment.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seal on this date:

Witnesses:

Grantors:

Samuel H. Tabachnik
Samuel H. TABACHNIK
Richard A. LENTER
Richard A. LENTER

Simon Tabachnik
Simon Tabachnik
Estelle Tabachnik
Estelle Tabachnik, his wife

86 MAR 4 15:16
RECORDED
MICHIGAN
CLERK OF COURT

RECORDED IN BOOK OF MAP NO. 32513

[Handwritten signature]

Prepared By: Omer V. Racine
The Detroit Edison Company
30400 Telegraph Rd. 264 ODHq.
Birmingham, MI 48010

Address: 5497 High Court Way
West Bloomfield, MI 48033

"as installed"
This easement is re-recorded for purposes of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto.

[Handwritten signature]

**Detroit
Edison**

Oakland Division
30400 Telegraph Road
Birmingham, Michigan 48010
(313) 645-4000

Phone 645-4388

January 29, 1986

Mr. Simon Tabachnik
5497 High Court Way
West Bloomfield, MI 48023

Gentlemen:

Re: Tabachnik Apartments

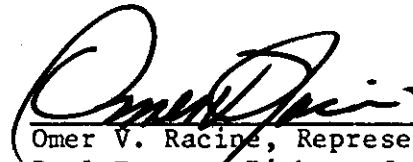
Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

In order to comply with the recording statutes of the State of Michigan, please have two separate witnesses. The notary can be one of the witnesses. Also, print or type the names of all parties signing the documents, including witnesses, and notary.

Your attention is called to Paragraph No. 3 of this agreement, whereby you would be responsible for any damages which might occur to the Company's underground lines after installation. It is, therefore, extremely important that not only you, but any contractors working for you, exercise due care to avoid any damage.

Prompt return of this instrument, fully completed, will assist in prompt scheduling of our work to be completed in your project. Please return all documents addressed to: The Detroit Edison Company, 30400 Telegraph Road, Birmingham, Michigan, 48010. Attn: Omer V. Racine, Room 264.

Sincerely,



Omer V. Racine, Representative
Real Estate, Rights of Way & Claims

OVR/kw
Enclosures

RECORDED RIGHT OF WAY NO.

36813
36813

To: Supervisor RE & R.W. <u>JIM McDONALD</u>	For RE & R.W. Dept. Use	Date Received <u>1-21-86</u>	DE Bell/C.P. No. <u>OE 86-3J</u>
Division <u>OAKLAND</u>	Date <u>1/9/86</u>	Application No.	

We have included the following necessary material and information

Material:

- A Proposed Subdivision
 - 1 copy of complete final proposed plat - All pages
- or
- B Other than proposed subdivision (condo, apts, mobile home park - other)
 - 1 Property description
 - 2 Site plan
 - 3 title information (deed, title commitment, contract with title commitment, or title search)

Note: Do not submit application for URD easements until all above material has been acquired

Information

1. Project Name: TABACHNIK BUILDING County: OAKLAND

City/Township: SOUTHFIELD Section No.: 24

Type of Development:

Proposed Subdivision Apartment Complex Condominium

Subdivision Mobile Home Park Other

2. Name of Owner: SIMON TABACHNIK Phone No.: 681 4564

Address: 5497 HIGH COURTWAY WEST BLOOMFIELD MI - 48033

Name of Representative: SIMON TABACHNIK Phone No.: 681 4564

Date of Development: MARCH 31, 1986

4. Entire Project will be developed at one time Yes No

5. Joint easements required Michigan Bell Telephone Yes No

6. Name of Utility (City, State, Michigan Bell Telephone, Detroit Edison, Power)

b. Other Utility - (City, State, Name) Address:

6. Address of Applicant (City, State, Name)

Note: Trenching letter attached will be submitted later

Servicing Point: ED CLARK Address: 645 4113

Approved by: J. V. Stoney / 20

ENCLOSURE LIST OF # X NO. 37613

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM 65 12 53

TO Records Center

DATE 2-18-87 TIME

Please set up F/W file for: TARACHNIK APARTMENTS
Being a part of Northeast 1/4 of Section 24, City of Southfield
Oakland County, Michigan

COPIES TO

SIGNED

Omer V. Racine
264 Oakland Div. Hqters.

REPORT

DATE RETURNED

TIME

SIGNED

305/13

MEMORANDUM ORDER
OR GENERAL USE
FORM 103-0808 (MS-17) 12-53

TO Edward Clark

DATE 2-19-86 TIME _____

Re: Underground Service TABACHNIK BUILDING APTS
Agreement and Easements obtained - OK to proceed with construction.

COPIES TO _____

SIGNED

Omer V. Racine

Omer V. Racine, Representative
Real Estate, Rights of Way & Claims
264 Oakland Division Headquarters

REPORT _____

DATE RETURNED _____

TIME _____

SIGNED _____

SECRET

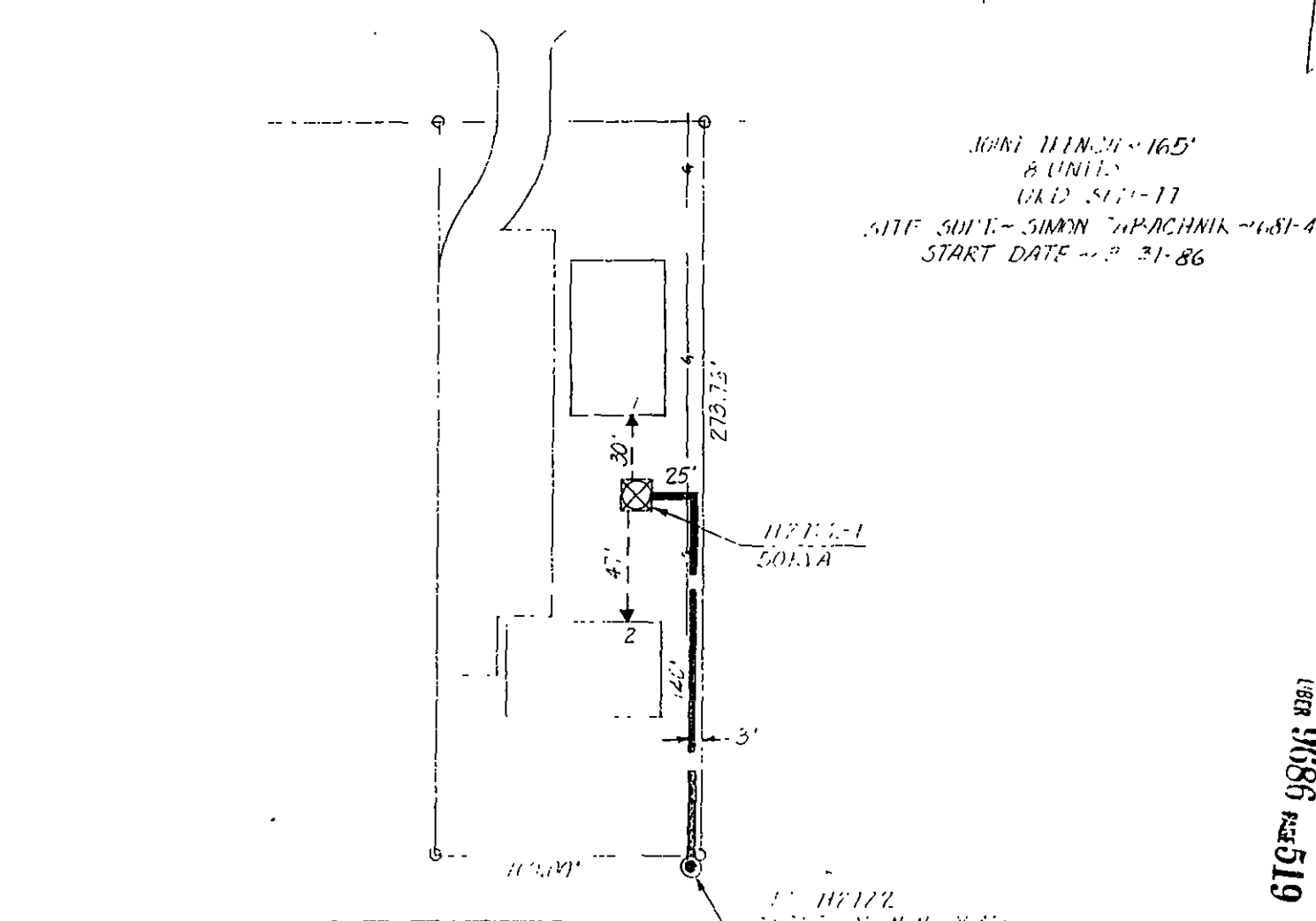
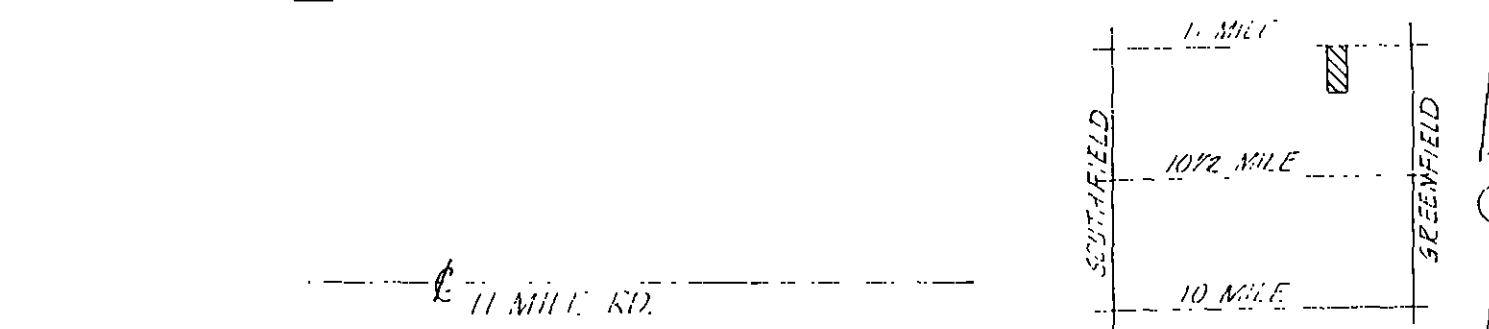
THE DETROIT EDISON COMPANY — SERVICE PLANNING

CONSTRUCTION WORK ORDER NUMBER 36784.0		CONTRIBUTION WORK ORDER NUMBER		PRIMARY CABLE SIZE & TYPE 4/0 x 1	STOCK NO 713-313	TRF.	MAKE UP 5'	TOTAL 60'	TOTAL 725'	
NAME TABACHNIK BUILDING			SCALE 1"=50'	SECONDARY CABLE SIZE & TYPE L 3/4" L 3/4" L N. 4.0		LENGTH 112'	NO SETS 2	CUST	D E CO 1-	
ADDRESS 15975-15928 W 11 MILE RD.				TRANSFORMER SPEC 1-17-21		TRANSFORMER CONNECTION				
COUNTY WAYNE	CITY/TOWNSHIP SOUTHFIELD	LAND SECT NO 15	MUN CODE 152	TRANSFORMER MAT	DETAIL	OD SPEC	CUST	D E CO <input checked="" type="checkbox"/>		
DISTRIBUTION CIRCUIT & VOLTAGE 13.2KV		MAP SECT 1-30A-311	OH D O REF NUMBER	TRANSFORMER (S0) 30	SIZE 500VA	STOCK NUMBER 881-1157	PRIM - VOLTAGE - SEC 20/240			
PRIM TRENCH LENGTH 65'	CUST	D E CO <input checked="" type="checkbox"/>	SEC TRENCH LENGTH 77'	CUST	D E CO <input checked="" type="checkbox"/>	CABLE POLE	DETAIL 1 2 2 2 1	QUAD A.B.	TERM	OD SPEC
PRIMARY CONDUIT SIZE, TYPE & LENGTH			FISH TIME	CUST	D E CO	FUSE X <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Z	HOW APPROVED DATE		OK TO CONSTRUCT AND ENERGIZE WANTED DATE _____ SER. PLANNER _____	
SECONDARY CONDUIT SIZE & TYPE			LENGTH	CUST	D E CO	NEUT HEIGHT 77'	DATE	DATE		
AS INSTALLED	DUCT TYPE	LENGTH	CABLE LENGTH TOTAL	ON PUBLIC PROP		IN SERVICE DATE	TECH			

DE 963-2478 1 P555

CONTINUOUS STEEL CONDUIT TO BUILDING DO NOT GROUND AT TRANSFORMER

NOT CONTINUOUS STEEL CONDUIT - GROUND AT TRANSFORMER



NOTICE

Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact location, telephone MISS DIG on 800-482-7271 as required by Public Act 53 of 1974 before doing any power excavating.

11-11212
 CHG'D BY N.W. QUINN
 01-11-81
 10-1-85A
 11-1-85Y
 12-1-87

LEBR 0081 REC 518

LEBR 9686 REC 519

KNOW ALL MEN BY THESE PRESENTS: That Orma Vasquez

84 37453

whose address is 828 Carina, Placentia, CA 92670

Convey(s) and Warrant(s) to Simon and Estelle Tabachnik

whose address is 5497 High Court Way, W. Bloomfield, MI. 48023

the following described premises situated in the City of Southfield
County of Oakland and State of Michigan, to-wit:

East 100 feet of West 400 feet of North 1/2 of the North
1/2 of the Northeast 1/4 of the Northeast 1/4 Section 24,
town 1 north, range 10 east.

Tax Item No. 24-24-226-003

for the full consideration of Twelve Thousand and 00/100 Dollars (\$12,000.00)
subject to easements and restrictions of record.

OAKLAND COUNTY
REGISTERED
84 APR 16 12:43
CLEMENS

Dated this 12th day of April 19 84

Witnesses:

Signed and Sealed:

Thomas Springsted
Thomas Springsted

Orma Vasquez (L.S.)
Orma Vasquez

Marianne Springsted
Marianne Springsted

(L.S.)

(L.S.)

CALIFORNIA
STATE OF MICHIGAN } ss.
COUNTY OF ORANGE

(L.S.)

The foregoing instrument was acknowledged before me this 20th day of April 1984

My commission expires Sept. 14, 1984

OFFICIAL SEAL
REBECCA E ARMFIELD
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My comm. expires SEP 14 1984
Orange County, California

Instrument Drafted by Cushman & Wakefield of MI. Business Address American Center, 27777 Franklin Rd. Southfield, MI. 48034

County Treasurer's Certificate
OAKLAND COUNTY TREASURER'S CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description, and all TAXES on same are paid for five years previous to the date of this instrument, as appears by the records in this office except as stated.

015

100

C. Hugh Dohany

Chy

C. HUGH DOHANY, County Treasurer
Sec. 135, Act 206, 1893 as amended

Recording Fee

State Transfer Tax

Tax Parcel # 24-24-226-003

City Treasurer's Certificate

OAKLAND COUNTY
2 5 5 7 3
STATE OF MICHIGAN
REAL ESTATE TRANSFER TAX
Dept of Taxation
APR 16 1984
13.20

3.50

When recorded return to Grantee

Send subsequent tax bills to Grantee

Chy

RECORDED RIGHT OF WAY NO. 36813.

KNOW ALL MEN BY THESE PRESENTS: That Orma Vasquez 84 37453
 whose address is 828 Carina, Placentia, CA 92670
 Convey(s) and Warrant(s) to Simon and Estelle Tabachnik
 whose address is 5497 High Court Way, W. Bloomfield, MI. 48023
 the following described premises situated in the City of Southfield
 County of Oakland and State of Michigan, to-wit:

East 100 feet of West 400 feet of North 1/2 of the North
 1/2 of the Northeast 1/4 of the Northeast 1/4 Section 24,
 town 1 north, range 10 east.

Tax Item No. 24-24-226-003

for the full consideration of Twelve Thousand and 00/100 Dollars (\$12,000.00)
 subject to easements and restrictions of record.

84 APR 16 12:43
 CLEARING

Dated this 12th day of April 19 84

Witnesses:

Signed and Sealed:

Thomas Springsted
 Thomas Springsted

Orma Vasquez (L.S.)
 Orma Vasquez

Marianne Springsted
 Marianne Springsted

_____ (L.S.)

_____ (L.S.)

CALIFORNIA
 STATE OF MICHIGAN } ss.
 COUNTY OF ORANGE

_____ (L.S.)

The foregoing instrument was acknowledged before me this 20th
 by

OFFICE March 1984
 REBECCA E ARMFIELD
 NOTARY PUBLIC - CALIFORNIA
 ORANGE COUNTY
 My comm. expires SEP 14, 1984
 Orange County, CA 92666
 Notary Public

My commission expires Sept. 14, 1984

Instrument Drafted by Cushman & Wakefield of MI. Business Address American Center, 27777 Franklin Rd. Southfield, MI. 48034

OAKLAND COUNTY
 I HEREBY CERTIFY that there are no TAXES or TITLE liens against the within described property and same are paid for five years previous to the date of this instrument as appears by the records in this office as stated.

015

OAKLAND COUNTY
 REAL ESTATE TRANSFER TAX
 STATE OF MICHIGAN
 Dept of Taxation
 1984
 2.50

Recording Fee \$60.15
 C. MULLIN, County Treasurer
 5, Act 206, 1893 as amended

When recorded return to Grantee

State Transfer Tax

Send subsequent tax bills to Grantee

Tax Parcel # 24-24-226-003

Handwritten initials

RECORDED RIGHT OF WAY NO. 36813